

**§ 115C-567.11. Tuition liability limitation.**

(a) Notwithstanding any other provision of law and subject to G.S. 115C-567.12, a nonpublic school shall have immunity from claims by an individual, if all of the following apply:

- (1) The claim arises out of or is in connection with tuition or fees paid to the nonpublic school for the 2019-2020 academic year.
- (2) The claim alleges losses or damages arising from an act or omission by the nonpublic school during or in response to COVID-19, the COVID-19 emergency declaration, or the COVID-19 essential business executive order.
- (3) The alleged act or omission by the nonpublic school was reasonably related to protecting the public health, safety, or welfare in response to the COVID-19 emergency declaration, COVID-19 essential business executive order, or applicable guidance from the Centers for Disease Control and Prevention.
- (4) The nonpublic school offered remote learning options for enrolled students during the 2019-2020 academic year that allowed students to complete the academic year.

(b) Subsection (a) of this section shall not apply to losses or damages that resulted solely from a breach of an express contractual provision allocating liability in the event of a pandemic event.

(c) Subsection (a) of this section shall not apply to losses or damages caused by an act or omission of the nonpublic school that was in bad faith or malicious. (2020-49, s. 10(a).)